

NOT INCLUDED IN  
BOUND VOLUMES

PJS  
Burlington, NJ

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

PALLET COMPANIES, INC.,  
A SUBSIDIARY OF IFCO SYSTEMS, N.A., INC.  
Employer

and

Case 4-RC-093398

UNITED FOOD AND COMMERCIAL WORKERS UNION,  
LOCAL 1360<sup>1</sup>  
Petitioner

DECISION AND CERTIFICATION OF REPRESENTATIVE

The National Labor Relations Board, by a three-member panel, has considered objections to an election held on December 20, 2012, and the administrative law judge's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 23 for and 20 against the Petitioner, with no challenged ballots.

The Board has reviewed the record in light of the exceptions and briefs,<sup>2</sup> has adopted the judge's findings<sup>3</sup> and recommendations, and finds that a certification of representative should be issued.

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<sup>1</sup> The judge inadvertently identified the Petitioner as "Local 1350." We have amended the caption and the certification to correct this error, which does not affect our decision.

<sup>2</sup> We grant the Employer's motion to strike portions of the Union's answering brief that assert that Tyrone LaRocca was unavailable to be called by the Union as a witness at the hearing. The Union's assertions in its brief on this subject rely on matters that are not part of the record in this case. Accordingly, we have not considered those portions of the Union's brief regarding LaRocca's alleged unavailability to attend the hearing, as well as "Exhibit A" attached to that brief.

## CERTIFICATION OF REPRESENTATIVE

IT IS CERTIFIED that a majority of the valid ballots have been cast for United Food and Commercial Workers Union Local 1360, and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

INCLUDED: All full-time and regular part-time truck drivers and production employees, including nailers, saw room operators, and fork lift drivers employed by the Employer at its facility currently located at 320 Dulty's Lane, Site 265, Burlington, New Jersey 08016.

EXCLUDED: All other employees, managers, guards and supervisors as defined in the Act.

Dated, Washington, D.C. April 2, 2014

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Mark Gaston Pearce, Chairman

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Harry I. Johnson, III, Member

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Nancy Schiffer, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

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<sup>3</sup> The judge was sitting as a hearing officer in this representation proceeding. The Employer has excepted to some of the hearing officer's credibility findings. The Board's established policy is not to overrule a hearing officer's credibility resolutions unless the clear preponderance of all the relevant evidence convinces us that they are incorrect. *Stretch-Tex Co.*, 118 NLRB 1359, 1361 (1957). We have carefully examined the record and find no basis for reversing the findings.

As to Objections 2 and 3, which were not timely filed under Sec. 102.69 of the Board's Rules, we do not decide whether the judge should have considered related evidence. We note that the Petitioner did not except to the decision to review those objections, and in any event, we find, in agreement with the judge, that the Employer did not meet its burden of showing objectionable conduct.